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FILED

JAN 28 2002

BOARD OF PHARMACY

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
LUCILLE WEXLER, R.P.	:	CONSENT ORDER
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	
<i>RI 16527</i>	:	

This matter was opened to the State Board of Pharmacy upon the application for reinstatement of her license to practice pharmacy (see Consent Order filed March 24, 2001 attached hereto and made a part of this Order).

Respondent appeared before the Board of Pharmacy on November 28, 2001 and testified as to her past chemical dependence and her present course of rehabilitation. Ms. Wexler has received treatment since January of 2000 and continues to participate in an out-patient rehabilitation program and is subject to urine drug screens one time per week.

Respondent having satisfied the Board that she intends to continue treatment, and it further appearing that the parties wish to resolve this matter without the necessity of further formal proceedings, and for good cause shown,

IT IS THEREFORE, ON THIS DAY OF , 2001

ORDER:

1. The license of Lucille Wexler, R.P., to practice pharmacy in the State of New Jersey is hereby reinstated to a probationary status.

2. Respondent shall be on probation for two years from the date of entry of the within Order subject to compliance with paragraphs 3 through 14 herein. If respondent violates any of the provisions of paragraphs 3 through 14 herein, the Board may initiate proceedings to revoke her probationary status and to actively suspend or revoke her license to practice pharmacy.

3. Respondent shall not be a pharmacist-in-charge or a permit holder of any pharmacy in this State during the entire period of probation.

4. Respondent hereby consents to the entry of an Order of Automatic Suspension of her license without notice upon the Board's receipt of a report of a confirmed positive urine or information from any out-patient program or counselor which reveals evidence of substance abuse during the probationary period.

5. Respondent shall have the right to apply for removal of the automatic suspension on two (2) days notice but in such event

shall be limited to a showing that urine tested was not his or was a false positive in the case of urine testing, or that other information submitted was false. In any such proceeding respondent shall have the burden of proof to establish such positions.

6. Respondent shall have his urine monitored at his own expense on a random, unannounced basis for the entire three (3) year period. Testing shall be performed two (2) times per week for the first six months and one (1) time per week for the remaining 18 months of probation. The urine specimens shall be performed with direct witnessing by a Board approved monitor. The initial drug screen will utilize the EMIT technique and all confirming tests and/or secondary tests will be performed by gas chromatography/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation thereof.

7. The result of all tests shall be reported directly to Deborah Whipple, Executive Director of the Board or her successor, or her designee in the event she is unavailable. The Board may at any time alter or modify the manner of the testing directed herein. In the event of any such alteration or modification the Board shall give timely notice of any new testing requirement to the respondent.

8. In the event respondent is unable to appear for a scheduled urine test due to illness or other impossibility, consent to waive that day's test must be secured from the Board office.

The lab or monitor will not be authorized to provide consent. In addition, respondent must provide the Board with any written substantiation which may be obtained for her inability to appear, e.g. physician's report.

9. Any failure to appear for a urine test for which consent is not secured from the Board and for which no written substantiation is furnished satisfactory to the Board within two (2) days of such failure to appear shall be grounds for activation of the suspension upon short notice.

10. Respondent shall submit quarterly documentation that she attends support group meetings at least three times per week for the duration of the probationary period.

11. Respondent shall give written notice to the Board prior to beginning any job and prior to any change in employment.

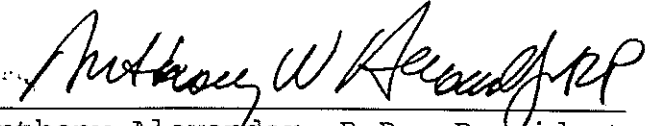
12. In connection with any job in which respondent has access to Controlled Dangerous Substances, she shall disclose her prior drug problem to her employer and serve a copy of the within Order on her employer. Respondent shall cause the Board to receive a letter acknowledging the employer's receipt of the notice required by this paragraph.

13. Respondent shall not use or possess any controlled dangerous substances, except for bona fide medical purposes medical purposes as deemed necessary by a physician or other authorized prescriber during the entire period of probation. In such event, respondent is to serve notice to the Board in writing. Respondent


shall advise any and all treating physicians of her history of drug abuse.

14. At any time during the probation period, the Board may require the appearance of respondent at a meeting for a status conference.

STATE BOARD OF PHARMACY


Anthony Alexander, R.P., President

I have read the above
Order and I understand its
terms. I consent to
the entry of this Order
by the State Board of Pharmacy.


Lucille Wexler, R.P.